

## UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

GENE ANN MARIE BLYTH, as  
 Administratrix of the Estate of CHARLES  
 RICHARD MCINTIRE, deceased.

*Plaintiff*

v.

CONSOLIDATION COAL COMPANY and  
 JOSEPH ONTKO

*Defendants*

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)

Civil Action No. 5:12-CV-95

## JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

the plaintiff *(name)* \_\_\_\_\_ recover from the  
 defendant *(name)* \_\_\_\_\_ the amount of  
 \_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
 interest at the rate of \_\_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_\_ %, along with costs.

☒ decided by Judge \_\_\_\_\_

The plaintiff's motion to remand is GRANTED. Defendant Joseph Ontko's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is DENIED WITHOUT PREJUDICE. Accordingly, this matter is hereby REMANDED to the Circuit Court of Marshall County, West Virginia.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is DIRECTED to enter judgment on this matter.

Date: Feb 7, 2013

CLERK OF COURT

/s/ R.J. Sedosky

Signature of Clerk or Deputy Clerk